

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
EDUARDO UBRI, <i>on behalf of himself and all</i>	:	
<i>others similarly situated,</i>	:	
	:	
Plaintiff,	:	23-CV-7954 (VSB)
	:	
-against-	:	<b><u>ORDER</u></b>
	:	
MAJESTIC ASSOCIATES LLC; JOSHUA	:	
BALSAM, <i>individually</i> ; MAJESTIC	:	
PROPERTY MANAGEMENT	:	
ASSOCIATES, LLC; 3871 VILLAGE	:	
COURT ASSOCIATES, LLC;	:	
	:	
Defendants.	:	
	:	
-----X		

VERNON S. BRODERICK, United States District Judge:


On September 8, 2023, Plaintiff Eduardo Ubri filed this suit against Majestic Associates LLC and Joshua Balsam. (Doc. 1.) As to Defendant Majestic Associates LLC, Ubri filed an affidavit of service on September 21, 2023. (Doc. 6.) On November 9, 2023, Ubri filed an Amended Complaint against Defendants Majestic Associates LLC; Majestic Property Management Associates, LLC; 3871 Village Court Associates, LLC; and Joshua Balsam. (Doc. 13.) Plaintiff obtained an amended summons for Defendant Majestic Associates LLC on November 16, 2023. (Doc. 16.) To date, Ubri has not filed an affidavit of service of the amended summons as to Defendant Majestic Associates LLC or taken any other action to prosecute this case against it. Accordingly, it is hereby:

ORDERED that, no later than February 20, 2024, Ubri shall submit a letter of no more than three (3) pages, supported by legal authority, demonstrating good cause as to why Defendant Majestic Associates LLC should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m). “Good cause is generally found only in exceptional circumstances where the

plaintiff's failure to serve process in a timely manner was the result of circumstances beyond its control." *E. Refractories Co. v. Forty Eight Insulations, Inc.*, 187 F.R.D. 503, 505 (S.D.N.Y. 1999) (internal quotation marks omitted). "District courts consider the diligence of plaintiff's efforts to effect proper service and any prejudice suffered by the defendant as a consequence of the delay." *Id.* (internal quotation marks omitted). "An attorney's inadvertence, neglect, mistake or misplaced reliance does not constitute good cause." *Howard v. Klynveld Peat Marwick Goerdeler*, 977 F.Supp. 654, 658 (S.D.N.Y.1997) (citing *McGregor v. United States*, 933 F.2d 156, 160 (2d Cir.1991), *aff'd*, 173 F.3d 844 (2d Cir.1999)). Ubri is warned that failure to submit a letter and to demonstrate good cause for failure to serve Defendant Majestic Associates LLC within ninety days after the Amended Complaint was filed will result in dismissal of Defendant Majestic Associates LLC.

SO ORDERED.

Dated: February 12, 2024  
New York, New York

  
VERNON S. BRODERICK  
United States District Judge